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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-263

12 **TONI SUSANN MARTORANA, AKA**
13 **TONI PEREZ**

A C C U S A T I O N

13 6551 Gladesmore
14 Arcadia, California 91007

15 Registered Nurse License No. 635526

16 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board") Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about April 1, 2004, the Board issued Registered Nurse License
25 Number 635526 to Toni Susann Martorana, also known as Toni Perez ("Respondent"). The
26 registered nurse license will expire on August 31, 2009, unless renewed.

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1 (b) Use any controlled substance as defined in Division 10 (commencing
2 with Section 11000) of the Health and Safety Code, or any dangerous drug or
3 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
4 or in a manner dangerous or injurious to himself or herself, any other person, or
5 the public or to the extent that such use impairs his or her ability to conduct with
6 safety to the public the practice authorized by his or her license.

7 (c) Be convicted of a criminal offense involving the prescription,
8 consumption, or self-administration of any of the substances described in
9 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
10 record pertaining to, the substances described in subdivision (a) of this section, in
11 which event the record of the conviction is conclusive evidence thereof.

12 8. Code section 490 states:

13 A board may suspend or revoke a license on the ground that the licensee
14 has been convicted of a crime, if the crime is substantially related to the
15 qualifications, functions, or duties of the business or profession for which the
16 license was issued. A conviction within the meaning of this section means a plea
17 or verdict of guilty or a conviction following a plea of nolo contendere. Any
18 action which a board is permitted to take following the establishment of a
19 conviction may be taken when the time for appeal has elapsed, or the judgment of
20 conviction has been affirmed on appeal, or when an order granting probation is
21 made suspending the imposition of sentence, irrespective of a subsequent order
22 under the provisions of Section 1203.4 of the Penal Code.

23 COST RECOVERY

24 9. Code section 125.3 provides, in pertinent part, that the Board may request
25 the administrative law judge to direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

28 FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

10 Respondent has subjected her license to discipline under Code sections
11 2761, subdivision (f) and 490, in that on March 15, 2006, in the Superior Court, Pasadena
12 Judicial District, County of Los Angeles, California, in the case entitled *People vs. Toni Susann*
13 *Martorana* (Super. Ct., Los Angeles Cty., 2005, Case No. 5PA01071), Respondent was
14 convicted by the court on her plea of nolo contendere of violating Vehicle Code section 23152,
15 subdivision (b) (driving while having a measurable blood alcohol level), a misdemeanor. The
16 circumstances of the crime are that on January 25, 2005, Respondent was arrested for driving

1 under the influence of alcohol and/or drugs. Such conduct is substantially related to the
2 qualifications, function or duties of a licensed registered nurse.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime Involving Alcoholic Beverages)**

5 11. Respondent has subjected her license to discipline under Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
7 2762, subdivision (c), in that Respondent has been convicted of a crime involving alcoholic
8 beverages, as more particularly set forth in paragraph 10, above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Self Administration)**

11 12. Respondent has subjected her license to discipline under Code section
12 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
13 2762, subdivision (a), in that on or about February 27, 2007, Respondent self administered
14 amphetamines, benzodiazepines, and opiates, all controlled substances, without lawful authority,
15 as more particularly set forth in paragraph 13, subparagraph b, below.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Used Alcoholic Beverages and/or Controlled Substances to an Extent or in a
18 Manner Dangerous or Injurious)**

19 13. Respondent has subjected her license to discipline under Code section
20 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
21 2762, subdivision (b), as follows:

22 a. On January 25, 2005, Respondent used alcoholic beverages to an extent or
23 in a manner dangerous or injurious to herself, in that Respondent drove a vehicle while under the
24 influence of alcohol, as more particularly set forth in paragraph 10, above.

25 b. On February 27, 2007, Respondent used controlled substances to an extent
26 that such use impaired her ability to conduct with safety to the public the practice authorized by
27 her license, in that Respondent reported to work at USC Medical Center, Los Angeles,
28 California, impaired. Respondent was taken to the emergency room where she tested positive for

1 amphetamines, benzodiazepines, and opiates. Respondent was relieved of her duties for the
2 remainder of that day.

3 **PRAYER**

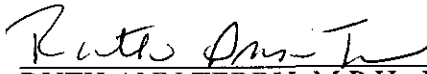
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 635526, issued
7 to Toni Susann Martorana, also known as Toni Perez;

8 2. Ordering Toni Susann Martorana, also known as Toni Perez, to pay the
9 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
10 case, pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 4/22/09
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15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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